

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALEXANDRIA L. ERWIN,

Plaintiff,

v.

OBI SEAFOODS, LLC,

Defendant.

No. 2:22-cv-00893-JHC

STIPULATED MOTION AND ORDER
ON AGREED MOTIONS IN LIMINE

STIPULATION

The parties, by and through counsel, respectfully and jointly move the Court for an in limine order concerning certain evidentiary and other issues to streamline trial and the presentation of evidence to the jury. Counsel for the parties have conferred and agree that an in limine order is appropriate, with reference to the following:

1. Pursuant to the Court's order dated August 31, 2023 (Dkt. # 38), the parties must file all motions in limine by March 18, 2024.
2. Pursuant to Local Rule 7(d)(4), the parties held a conference call on March 13, 2024, to determine which matters are really in dispute before filing their respective motions. The parties reached an agreement on a number of issues.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS

1 FOLLOWS:

- 2 1. Non-party witnesses shall be sequestered while they are not testifying. Witnesses who
3 are excluded from the courtroom are also prohibited from receiving and /or accessing
4 trial testimony from other witnesses.
- 5 2. Any evidence or argument related to the parties' settlement discussions, attempts to
6 settle, or the prior mediation will be excluded. This includes evidence of
7 communications with respect to settlement demands or discussions involving other
8 employees with potential claims against OBI.
- 9 3. Each party will give the other party notice by no later than 5pm of the witnesses they
10 intend to call the following day on a court day, and if no court day or a weekend, no
11 later than 5:00 p.m., the day before the next trial day. Any witnesses appearing by Zoom
12 must be identified and approved by the Court prior to trial commencing.
- 13 4. If upon the Court's approval, Plaintiff is unable to attend all days of trial, no party will
14 reference or comment upon Plaintiff's absence from the courtroom.
- 15 5. Defense counsel will refrain from referring to Plaintiff's lawsuit as a "jackpot,"
16 "windfall," or similar terms.
- 17 6. Defense counsel will refrain from commenting upon or making arguments about how
18 Plaintiff may use the proceeds of a verdict in her favor.
- 19 7. No party will refer to the size of any law firm in the case, the number of attorneys
20 involved, or the employment of and compensation to any party's attorneys.
- 21 8. No lay witness may comment upon the credibility of another witness, or their belief as
22 to a witnesses' credibility. FRE 608.
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SO STIPULATED this 18th day of March, 2024.

SCHROETER GOLDMARK &
BENDER

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s/ Carson Phillips-Spotts

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Attorneys for Plaintiff

ORDER

IT IS SO ORDERED.

DATED this 19th day of March, 2024.



JOHN H. CHUN
United States District Judge